

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TERRY APPLING,)	Case No.: 10-CV-01900-LHK
)	
Plaintiff,)	ORDER DENYING MOTION TO
v.)	CONTINUE HEARING AND
)	GRANTING STIPULATION TO RESET
WACHOVIA MORTGAGE, FSB, et al.,)	BRIEFING SCHEDULE
)	
Defendants.)	
)	

Plaintiff Terry Appling moved to continue the hearing on Defendant's Motion to Dismiss and Case Management Conference, both of which are scheduled for September 16, 2010, to September 23, 2010. Counsel for Plaintiff states that he is unable to access documents in the case due to a network failure and will be unable to timely prepare an Opposition without a continuance. Defendant has not stipulated to the request to continue the hearing. However, the parties have stipulated to revise the briefing schedule such that Plaintiff's Opposition is due September 2, 2010, and Defendant's Reply is due September 9, 2010. Plaintiff states that this briefing schedule is acceptable.

Plaintiff's requested hearing date of September 23, 2010, is not available due to the Judge's unavailability on that date, as noted on the Court's calendar. Therefore, the Court DENIES Plaintiff's request to continue the hearing and case management conference. However, the Court

GRANTS the parties' stipulation to reset the briefing schedule. Plaintiff's Opposition will be due on September 2, 2010; Defendant's Reply will be due on September 9, 2010; and the motion will be heard on September 16, 2010, followed by a case management conference.

IT IS SO ORDERED.

Dated: August 30, 2010



LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California